

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 10-30 are pending in this application, with claims 10, 18, 20 and 30 being the independent claims. Claims 10, 11 and 13-19 are amended. Claims 20-29 are added. No new matter has been added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In the Office Action dated September 5, 2007, claims 10 and 18 are objected to. Claims 10, 11, 13, 15 and 16 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Chan et al., U.S. Patent Publication No. 2003/0085163. Claims 12, 14 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chan et al.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Information Disclosure Statement

An information disclosure statement, and the fee under 37 C.F.R. 1.17, are submitted for the Examiner's consideration.

Objections to Claims 10 and 18

Claims 10 and 18 are amended to correct minor informalities noted in the Office Action, regarding the use of "spectrums" (plural). Applicant also notes that the scope of claim 10 has not been changed in any way.

Rejections under 35 U.S.C. § 102(e)

A number of claims stand rejected under 35 U.S.C. § 102(e) based on Chan. Applicant respectfully traverses the rejections. As also discussed in the expert Declaration under 37 C.F.R.

1.132, Chan does not disclose every element recited in claims 10 and 18, and, in fact, Chan describes a completely different system than what is claimed.

First, claims 10 and 18 recite the detection of neutron radiation. The system of Chan is incapable of detecting neutron radiation. Chan describes a system for x-raying baggage. Such systems (or systems similar to what is described in Chan) are commonly seen at many airports today. However, they do not measure or detect neutron radiation – they use X-rays.

Furthermore, Chan does not measure radiation from an object. The x-ray machine in Chan is itself the source of the radiation. The object that is being looked for (for example, a gun, or weapon hidden in the baggage, or contraband) is not the source of the radiation. This provides yet another distinction between Chan and what is claimed in claims 10 and 18.

Furthermore, Chan does not provide a detection signal that is recited in claims 10 and 18. Chan provides an image of the baggage, after x-raying the baggage. An image, and a detection signal, would not be regarded by one of ordinary skill in the art as being the same thing. This, therefore, provides yet another distinction over Chan.

Furthermore, claims 10 and 18 recite that the system provides an analysis of the spectrum. An example of this, in a real world context, is identification of radioactive isotopes of the object that is being inspected. Since in the claims, it is the object itself that emits the radiation, the spectrum analysis provides an identification of the radioactive isotopes (for example, uranium, strontium, thorium, and so on). Chan is incapable of doing any of this – it is impossible to determine, from the images seen on the screen in Chan's system, if any radioactive isotopes are present, and, more importantly, what these radioactive isotopes might be. This therefore provides an additional distinction over Chan.

Rejection of Claim 12 under 35 U.S.C. § 103(a)

Claim 12, which recites the use of a smart phone or a laptop computer in conjunction with a system, is rejected based on Chan. Applicant respectfully traverses this rejection. First, Chan clearly describes a stationary system – the apparatus shown in figures in Chan self evidently does not resemble a mobile, or portable system.

Furthermore, Chan is essentially directed to the use of x-ray machine for a particular purpose – baggage scanning. Such a system must be large enough to accommodate a suitcase (at least), and must be large enough to generate the x-rays, and then to detect them. Such a system cannot be a mobile or handheld system for that additional reason as well.

For the Examiner's convenience, Applicant provides the illustrations below, which represent some commercial embodiments of claim 12 – the differences between mobile/handheld systems, and Chan, are self-evident:¹



¹ For the record, Applicant is not limiting the claims to covering just these products, but is providing these images for illustration only.



Rejection of Claim 13

Claim 13 has been amended to explicitly recite an optical scanner – in other words, something that is used to scan paperwork associated with the goods being inspected. Such a scan can then be sent electronically elsewhere, for further analysis. Chan does not disclose an optical scanner – Chan discloses an x-ray machine/x-ray scanner. Reconsideration is respectfully requested.

Rejection of Claim 17

Claim 17 is rejected under 35 U.S.C. § 103(a) based on Chan. The Office Action argues that it would be obvious to combine Chan with a GPS system. Applicant respectfully disagrees. As also discussed in the expert declaration under Rule 132, Chan has no need for a GPS system. First of all, systems such shown in Chan are installed in enclosed spaces, such as airports, office buildings, and so on. If Chan were used for its intended purposes (airport baggage scanning), the system would inherently be installed inside a building. There is no guarantee that a GPS signal can be reliably received inside such a building.

Further, and more important, Chan has no need whatsoever for a GPS receiver – a stationary system, such as shown in Chan is installed once, and is often not moved for years. Its location is always known, and one does not need a GPS receiver to know where the baggage scanner of Chan is at any given moment – in 99.99% of the cases, it is exactly where it was

previously. Thus, Applicant respectfully disagrees with the Office Action's reasoning regarding this claim, and respectfully requests reconsideration.

Applicant also notes that in order to avoid the next Office Action being a final Office Action (particularly given the new rules regarding the continuing applications), Applicant has not amended claims 10 and 12 in any way (except to correct a minor informality in claim 10), and has not amended claim 17, except for stylistic changes. Applicant traverses the rejections of these claims solely on the merits.

New Claims 20-29

New claims 20-29 are added, to provide additional coverage for the present invention. These claims are specifically directed to portable handheld detection systems. Support for the language of these claims may be found, for example, in the originally filed claims, in the pending claims 10-19, as well as in the amended specification, see paragraphs 16, 17, 36 and 37.

These claims are allowable over Chan at least because (a) they recite portable handheld systems (which Chan is clearly not), (b) because they recite spectrum analysis of the detected radiation (which Chan does not – and Chan has no need to do that, since Chan being itself the source of the radiation, does not need to measure or analyze its spectrum – the spectrum is already known), and (c) because the claims recite detection and analysis of radiation emitted by a radiation source (i.e., the object being inspected). Chan, on the other hand, only detects its own x-ray radiation, not radiation from the object being inspected.

Thus, for all these reasons, the newly added claims are allowable over the art of record.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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